

107TH CONGRESS  
2D SESSION

# S. 2086

To provide emergency agriculture assistance.

---

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2002

Mr. BAUCUS introduced the following bill; which was read twice and referred  
to the Committee on Agriculture, Nutrition, and Forestry

---

## A BILL

To provide emergency agriculture assistance.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Agriculture  
5 Assistance Act of 2002”.

6 **SEC. 2. INCOME LOSS ASSISTANCE.**

7 (a) IN GENERAL.—The Secretary of Agriculture (re-  
8 ferred to in this Act as the “Secretary”) shall use  
9 \$1,800,000,000 of funds of the Commodity Credit Cor-  
10 poration to make emergency financial assistance available  
11 to producers on a farm that have incurred qualifying in-

1 come losses in calendar year 2001, including losses due  
2 to army worms.

3 (b) ADMINISTRATION.—The Secretary shall make as-  
4 sistance available under this section in the same manner  
5 as provided under section 815 of the Agriculture, Rural  
6 Development, Food and Drug Administration, and Re-  
7 lated Agencies Appropriations Act, 2001 (Public Law  
8 106–387; 114 Stat. 1549A–55), including using the same  
9 loss thresholds for the quantity and economic losses as  
10 were used in administering that section.

11 (c) USE OF FUNDS FOR CASH PAYMENTS.—The Sec-  
12 retary may use funds made available under this section  
13 to make, in a manner consistent with this section, cash  
14 payments not for crop disasters, but for income loss to  
15 carry out the purposes of this section.

16 **SEC. 3. LIVESTOCK ASSISTANCE PROGRAM.**

17 (a) IN GENERAL.—The Secretary shall use  
18 \$500,000,000 of the funds of the Commodity Credit Cor-  
19 poration to make and administer payments for livestock  
20 losses to producers for 2001 losses in a county that has  
21 received an emergency designation by the President or the  
22 Secretary after January 1, 2001, of which \$12,000,000  
23 shall be made available for the American Indian livestock  
24 program under section 806 of the Agriculture, Rural De-  
25 velopment, Food and Drug Administration, and Related

1 Agencies Appropriations Act, 2001 (Public Law 106–387;  
2 114 Stat. 1549A–51).

3 (b) ADMINISTRATION.—The Secretary shall make as-  
4 sistance available under this section in the same manner  
5 as provided under section 806 of the Agriculture, Rural  
6 Development, Food and Drug Administration, and Re-  
7 lated Agencies Appropriations Act, 2001 (Public Law  
8 105–277; 114 Stat. 1549A–51).

9 **SEC. 4. MARKET LOSS ASSISTANCE FOR APPLE PRO-**  
10 **DUCERS.**

11 (a) IN GENERAL.—The Secretary of Agriculture shall  
12 use \$100,000,000 of funds of the Commodity Credit Cor-  
13 poration for fiscal year 2002 to make payments to apple  
14 producers, as soon as practicable after the date of enact-  
15 ment of this Act, for the loss of markets during the 2000  
16 crop year.

17 (b) PAYMENT QUANTITY.—A payment to the pro-  
18 ducers on a farm for the 2000 crop year under this section  
19 shall be made on the lesser of—

20 (1) the quantity of apples produced by the pro-  
21 ducers on the farm during the 2000 crop year; or

22 (2) 5,000,000 pounds of apples.

23 (c) LIMITATIONS.—The Secretary shall not establish  
24 a payment limitation, or income eligibility limitation, with  
25 respect to payments made under this section.

1 **SEC. 5. COMMODITY CREDIT CORPORATION.**

2       The Secretary shall use the funds, facilities, and au-  
3 thorities of the Commodity Credit Corporation to carry  
4 out this Act.

5 **SEC. 6. ADMINISTRATIVE EXPENSES.**

6       (a) IN GENERAL.—In addition to funds otherwise  
7 available, not later than 30 days after the date of enact-  
8 ment of this Act, out of any funds in the Treasury not  
9 otherwise appropriated, the Secretary of the Treasury  
10 shall transfer to the Secretary of Agriculture to pay the  
11 salaries and expenses of the Department of Agriculture  
12 in carrying out this Act \$50,000,000, to remain available  
13 until expended.

14       (b) RECEIPT AND ACCEPTANCE.—The Secretary  
15 shall be entitled to receive, shall accept, and shall use to  
16 carry out this Act the funds transferred under subsection  
17 (a), without further appropriation.

18 **SEC. 7. REGULATIONS.**

19       (a) IN GENERAL.—The Secretary may promulgate  
20 such regulations as are necessary to implement this Act.

21       (b) PROCEDURE.—The promulgation of the regula-  
22 tions and administration of this Act shall be made without  
23 regard to—

24               (1) the notice and comment provisions of sec-  
25 tion 553 of title 5, United States Code;

1           (2) the Statement of Policy of the Secretary of  
2       Agriculture effective July 24, 1971 (36 Fed. Reg.  
3       13804), relating to notices of proposed rulemaking  
4       and public participation in rulemaking; and

5           (3) chapter 35 of title 44, United States Code  
6       (commonly known as the “Paperwork Reduction  
7       Act”).

8       (c) CONGRESSIONAL REVIEW OF AGENCY RULE-  
9       MAKING.—In carrying out this section, the Secretary shall  
10      use the authority provided under section 808 of title 5,  
11      United States Code.

12   **SEC. 8. EMERGENCY REQUIREMENT.**

13       The entire amount necessary to carry out this Act  
14      is designated by Congress as an emergency requirement  
15      pursuant to section 252(e) of the Balanced Budget and  
16      Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)).

○